

ORDINANCE NUMBER 20-37

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING THE AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE

“Belle Crest”

This is a Planned Unit Development District Ordinance (the “**Ordinance**”) for the Belle Crest PUD District (the “**District**”), to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the “**UDO**”), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended,

WHEREAS, the City of Westfield, Indiana (the “**City**”) and the Township of Washington, both of Hamilton County, Indiana are subject to the UDO;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “**Commission**”) considered Petition No. 2010-PUD-12 (the “**Petition**”), requesting an amendment to the City’s zoning map (“**Zoning Map**”) with regard to the subject real estate more particularly described in Exhibit A attached hereto (the “**Real Estate**”);

WHEREAS, the Commission forwarded the Petition to the Common Council of the City of Westfield, Hamilton County, Indiana (the “**Common Council**”) with a _____ recommendation (#-#) in accordance with Indiana Code § 36-7-4-608, required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on _____, 2020;

WHEREAS, the Common Council is subject to the provisions of the Indiana Code § 36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and,

NOW, THEREFORE, BE IT ORDAINED by the Common Council, meeting in regular session, that the UDO and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 The UDO and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the Belle Crest PUD District.
- 1.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the UDO, as amended and applicable to the Underlying Zoning District, as later defined in this Ordinance, or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.
- 1.3 Chapter (“**Chapter**”) and Article (“**Article**”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the UDO.
- 1.4 All provisions and representations of the UDO that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. Definitions. Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the UDO.

- 2.1 “**Entrance Lots**” For the purposes of this Ordinance, shall mean the lots identified on the Concept Plan by the triangle (“s”) symbol.
- 2.2 “**Perimeter Lots**” For the purposes of this Ordinance, shall mean the lots identified on the Concept Plan by the asterisk (“k”) symbol.
- 2.3 “**South Lots**” For the purposes of this Ordinance, shall mean the lots identified on the Concept Plan by the circle (“l”) symbol.
- 2.4 “**Structure**” For the purposes of this Ordinance only, shall mean a paired ranch Duplex Dwelling building consisting of a total of two (2) living units.
- 2.5 “**Underlying Zoning District**” For the purposes of this Ordinance only, shall mean the Zoning District of the UDO that shall govern the development of this District and its various subareas, as set forth in Section 4 of this Ordinance.

Section 3. Concept Plan. The Concept Plan, attached hereto as Exhibit B (“**Concept Plan**”), is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan. The Real Estate shall be developed in substantial compliance with the Concept Plan.

Section 4. Underlying Zoning District. The Underlying Zoning District of this District shall be the SFA: Single Family Attached District.

Section 5. Permitted Uses. The only permitted use shall be Duplex Dwelling as defined in the UDO.

Section 6. General Regulations. The standards of Chapter 4.9: Zoning Districts, SFA: Single-family Attached District shall apply to the development of the District, except as otherwise modified by this Ordinance.

Standard	
Maximum Dwellings per Structure	2
Minimum Building Setback Lines	
Front Yard	25 feet
Side Yard	7.5 feet
Rear Yard	20 feet
Maximum Number of Paired Duplex Dwellings	42
Maximum Number of Dwelling Units	84

Section 7. Development Standards. The standards of Chapter 6: Development Standards shall apply to the development of the District, except as otherwise modified by this Ordinance.

7.1 Article 6.3 Architectural Standards: Section 6.3(C) shall apply to all dwellings, except as modified below:

- A. Character Exhibit: The character exhibits, attached hereto as Exhibit C ("**Character Exhibit**"), are a compilation of images designed to illustrate the architecture of the Dwellings to be constructed in the District. The Director shall determine whether a Dwelling is substantially consistent with the Character Exhibit and complies with the standards of this Ordinance.
- B. Minimum Roof Overhang: The roof overhang or eaves shall be a minimum of eleven (11) inches, as measured prior to the installation of Masonry Materials.
- C. Window Trim: Window trim a minimum of four (4) inches in width shall be provided around all windows. Alternative decorative trim or masonry detailing (i.e. arches, cornices, crossheads, ornate moldings, pediments) may be considered by the Director if the trim otherwise results in a comparable visual contrast that enhances the architectural interest of the Front Building Façade.

- D. Garages: All Dwellings shall have a minimum two (2) car attached garage.
 - E. Building Materials: Vinyl and aluminum siding shall be prohibited.
 - F. Perimeter Lots: Structures on Perimeter Lots shall include the following additional architectural elements:
 - i. Masonry Materials on a minimum of thirty-six (36) inches in height on all façades of the Structure;
 - ii. Gables on side façades shall include a change in siding material in substantial compliance with the Gable Exhibit, attached hereto as Exhibit D.
 - iii. At least one of the Dwellings in each Structure shall include a covered outdoor living area projecting from the rear façade of the Structure at least one hundred (100) square feet in size, in substantial compliance with the Covered Outdoor Living Area Exhibit, attached hereto as Exhibit E.
 - G. Entrance Lots: Structures on Entrance Lots shall include the following additional architectural elements:
 - i. Masonry Materials on a minimum of thirty-six (36) inches in height on all façades of the Structure;
 - ii. Gables on side façades shall include a change in siding material in substantial compliance with the Gable Exhibit, attached hereto as Exhibit D.
- 7.2 Article 6.5 Fence Standards: Shall apply, except as otherwise modified or enhanced below:
- A. Any fences shall be (i) black metal, (ii) of a consistent style and height and (iii) a maximum of forty-eight (48) inches in height.
 - B. Enclosures or screens (i) surrounding air conditioning units and (ii) which screen outdoor patios and living spaces within sixteen (16) feet of a dwelling shall be a maximum of six (6) feet in height. This provision shall not be subject to 7.2(A) of this ordinance.
- 7.3 Article 6.8 Landscaping Standards: Shall apply, except as otherwise modified or enhanced below:
- A. Street Trees: Article 6.8(J) shall not apply to the District.
 - B. Lot Landscaping: Article 6.8(K) Minimum Lot Landscaping Requirements shall apply except as modified and enhanced below:
 - i. Each Structure shall be landscaped with a minimum of four (4) shade trees, two (2) ornamental or evergreen trees, and ten (10) shrubs.

- ii. At a minimum, the Lot's Established Front Yard shall be sodded and the remainder of the Lot shall be seeded.
- iii. Each Dwelling on a corner lot shall contain a minimum of a ten (10) foot long landscape bed along the side of the dwelling adjacent to the side street which shall contain six additional (6) shrubs.
- iv. Two (2) additional shade trees (one per Dwelling) shall be installed at the time of home construction in the rear yard of each Structure on a Perimeter Lot and each South Lot.
- v. The standards of this section 7.3(B) of this Ordinance shall not apply to Common Areas, rather, 7.3(A) of this Ordinance shall apply.

C. Common Areas:

- i. Tree Preservation Areas: Tree Preservation Areas are identified on the Concept Plan. Existing trees in these areas shall not be disturbed by the Developer unless required by the City, or for drainage/utility installation. Tree preservation shall be in accordance with Article 6.8, Landscaping Standards of the UDO.
- ii. External Street Frontage Landscaping Requirements: The external street frontage along Shady Nook Road shall be planted in substantial compliance with the External Street Frontage Landscaping Plan, attached hereto as Exhibit F. To the extent that the External Street Frontage Landscaping Plan conflicts with Article 6.8 of the UDO, the External Street Frontage Landscaping Plan shall supersede.
- iii. Other Common Areas: Landscaping to be installed in other Common Areas within the Real Estate may, but shall not be required, to exceed the planting requirements of Article 6.8(K) of the UDO. The landscaping shown in the Other Common areas on the Concept Plan are shown for illustrative purposes and may be adjusted in quantity and location when detailed landscaping plans are prepared during the Development Plan process.

Section 8. Infrastructure Standards: The District's infrastructure shall comply with the Unified Development Ordinance and the City's Construction Standards (see Chapter 7: Subdivision Regulations), unless otherwise modified below, or approved by the Plan Commission or Department of Public Works in consideration to the preservation of the natural topography and environment and in consideration to the unique design intent of the District.

- A. Dedication of Pedestrian Trail Corridor: A thirty (30) feet wide strip of real property along the entire south property line of the Real Estate shall be dedicated to the City at the time of Secondary Plat recording for future use as a pedestrian trail corridor (identified on the Concept Plan). Existing trees in this area shall not be disturbed by the Developer unless required by the City, or for drainage/utility installation. No additional dedication of land shall be required along the south property line of the Real Estate to comply with the City's Thoroughfare Plan.
- B. Internal Streets: Internal street rights-of-way within the District shall be permitted to be reduced to fifty (50) feet in width.

Section 9. Design Standards. The standards of Chapter 8: Design Standards shall apply to the development of the District, except as otherwise modified below:

- 9.1 Article 8.6 Open Space and Amenity Standards: Shall apply except as otherwise modified or enhanced below:
 - A. The minimum Open Space required shall be 25%.
 - B. Amenities: Open space including trails shall be provided for passive recreation opportunities, including sidewalk pathways and a gazebo, in substantial compliance with the Amenities Exhibit attached hereto as Exhibit G.

Section 10. Duration. Failure to obtain the first Improvement Location Permit for a new Dwelling in the District by January 1, 2026 (unless otherwise extended by the Director) shall automatically void this Ordinance and cause the zoning classification of the Real Estate to revert to the Agriculture / Single-family Rural District (AG-SF1).

ALL OF WHICH IS ORDAINED/RESOLVED THIS ____ DAY OF _____, 2020.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

James Edwards

James Edwards

James Edwards

Scott Frei

Scott Frei

Scott Frei

Jake Gilbert

Jake Gilbert

Jake Gilbert

Mike Johns

Mike Johns

Mike Johns

Troy Patton

Troy Patton

Troy Patton

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Scott Willis

Scott Willis

Scott Willis

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that ORDINANCE 20-37 was delivered to the Mayor of Westfield on the _____ day of _____, 2020, at _____ m.

Cindy Gossard, Clerk Treasurer

I hereby APPROVE **ORDINANCE 20-37**
this _____ day of _____, 2020.

I hereby VETO **ORDINANCE 20-37**
this _____ day of _____, 2020.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

This document prepared by: Matthew S. Skelton, Esq., Church Church Hittle + Antrim,
Two North Ninth Street, Noblesville, Indiana 46060.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each
Social Security Number in this document, unless required by law: Matthew S. Skelton.

SCHEDULE OF EXHIBITS

Exhibit A	Real Estate (Legal Description)
Exhibit B	Concept Plan
Exhibit C	Character Exhibit
Exhibit D	Gable Exhibit
Exhibit E	Covered Outdoor Living Area Exhibit
Exhibit F	External Street Frontage Landscaping Plan
Exhibit G	Amenities Exhibit

EXHIBIT A
REAL ESTATE

Parcel: 08-06-29-00-00-027.000

The South Half of the Southeast Quarter of the Southwest Quarter of Section 29,
Township 19 North, Range 4 East, in Washington Township, Hamilton County, Indiana.

EXCEPTING THEREFROM ten (10) acres by parallel lines of the entire north end of the
above described real estate.

Parcel: 08-06-29-00-00-027.001

The South Half of the Southeast Quarter of the Southwest Quarter of Section 29,
Township 19 North, Range 4 East, in Washington Township, Hamilton County, Indiana.

EXCEPTING THEREFROM ten (10) acres by parallel lines of the entire south end of the
above described real estate.

EXHIBIT B **CONCEPT PLAN**



EXHIBIT C
CHARACTER EXHIBIT
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EXHIBIT C
CHARACTER EXHIBIT
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CHARACTER EXHIBIT
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Geneva



Geneva A and C

The elevations and floor plans in this brochure show optional items.



EXHIBIT C
CHARACTER EXHIBIT
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EXHIBIT C
CHARACTER EXHIBIT
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EXHIBIT D
GABLE EXHIBIT



EXHIBIT E
COVERED OUTDOOR LIVING AREA EXHIBIT



EXHIBIT G AMENITIES EXHIBIT

